

2007-08 CHARTER ISSUE SUMMARY

Transitory Provisions

Article 9

Section 350.20.30 Metropolitan Services Department Transitory Provisions.

Issue subject: Should the charter be amended to remove all sections of Article 9, with the exception of the last two sentences of Section 990 that reference ordinances, resolutions, and other official actions that are in effect? Should the charter be amended to remove Section 350.20.30?

Issue raised by: The King County Department of Transportation proposed eliminating Section 350.20.30 and Section 920.20.10, because they do not reflect the current organization (email to CRC on July 30, 2007). Members of the Regional Governance Subcommittee identified much of Article 9 as no longer applicable.

Description of issue: Transitory provisions in Article 9 of the charter are vestiges of the time when King County transitioned from a non-charter form of government. Transitory language in charter section 350.20.30 reflects the County's transition from pre-Metro days. While most of Article 9 can be stricken, the last two sentences in section 990 should be retained, because they affirm official actions taken before the charter's effective date. Similarly section 350.20.30 may be stricken because transitional direction regarding the metro consolidation is no longer necessary.

Summary of recommendation: Given that transitory provisions of the charter are no long relevant, it is recommended that the charter be amended to strike Article 9, with the exception of the last two sentences of Section 990, which would be retained and amended to reference the relevant charter effective date, and it is further recommended that Section 350.20.30 be stricken in its entirety.

Suggested charter revision:

~~The provisions of this article relate to the transition from the existing form of government to the form of government established by this charter; and where inconsistent with the foregoing articles of this charter, the provisions of this article shall constitute exceptions.~~

~~Section 900 Effective Date and Elections.~~

~~The effective date of this charter shall be May 1, 1969, except that special nominating primaries and a special election shall be held on February 11, 1969, and March 11, 1969, respectively to elect the first county executive, county assessor and councilmen to be elected after the adoption of this charter. The nominating primaries and election shall be conducted in accordance with the provisions of Sections 610 and 620, except that the declarations of candidacy for the nominating primaries shall be filed during December 16-20, 1968; provided, however, that the declarations of candidacy for the nominating primary for a councilman district in which a county commissioner elected in 1966 or 1968 resides shall be December 23-27, 1968, if that county commissioner resigns or files a declaration of candidacy for county executive or county assessor. A candidate may withdraw his nomination in accordance with the provisions of the last paragraph of RCW 29.18.030,~~

~~Councilman District No. 8 shall consist of: precincts 33-51 through 33-53, 33-57 through 33-99, 33-102 through 33-106, 33-108 and 34-1 through 34-95, 35-1 through 35-5, 35-13 through 35-15; and following precincts and all precincts in Legislative District No. 31 lying north of them: 31-1 through 31-64, Sunnywood, Seaview, Oakpark, Bangor, Center, Heights, and Norfolk.~~

~~Councilman District No. 9 shall consist of the following perimeter precincts and all precincts lying within them: Lakeland, St. George, Pierce, Netac, Candlewood, Palisades, Lakota, Adelaide, Buenna, Delray, Redondo, Sounderest, Woodmont, Salt Water, Seacoma, Kent No. 1 through Kent No. 27, Roosevelt, Grandview, O'Brien, Wayne, and Sue City in Legislative District 30; Fuller, Wanda, Carriage Lane in Legislative District No. 47; Lake Desire, Shadow Lake, Riverside, Pipe Line, Dorre Don, Tahoma, Hobart, Lester, Sno Pass, Chinook, Sierra, Boise, Osceola, White River, Wabash and Muckleshoot in Legislative District No. 41; and Stuck, Pacific City and Trout Lake in Legislative District No. 47.~~

~~As used in this section, "precincts" refers to King County Voting Precincts as they were established by Resolution No. 35545 as passed by the Board of King County Commissioners on June 24, 1968, and all prior resolutions.~~

~~Section 920 Administrative Offices and Executive Department.~~

~~The initial administrative offices and executive departments of the executive branch shall include the following:~~

~~920.10 Administrative Offices.~~

~~920.10.10 Office of Budgets and Accounts.~~

~~The office of budgets and accounts shall prepare a proposed annual budget for the county as provided in Article 4, shall prescribe the accounting procedures to be used by the county and shall check all disbursement requests to determine that funds have been appropriated and are available and that the requested disbursements are in accordance with the terms of the contract or appropriation ordinance under which the disbursement is to be made.
(King County 12-2005)~~

~~920.10.20 Office of Personnel.~~

~~The office of personnel shall have the responsibilities established by Article 5 and shall perform any other duties assigned to it by the chief administration officer.~~

~~920.10.30 Office of Systems Services.~~

~~The office of systems services shall establish and maintain a modern system for processing information in accordance with the needs of county government and shall provide central services for all branches of county government.~~

~~920.10.40 Office of Property and Purchasing.~~

~~The office of property and purchasing shall assign the use of all real and personal property owned or leased by the county, shall maintain all property unless its maintenance is otherwise assigned by this charter, by ordinance or by the county executive, shall negotiate the lease or sale of county property, shall contract for all services and public works which are not performed by county employees and shall purchase all real and personal property purchased by the county.~~

~~920.20 Executive Departments.~~

~~920.20.10 Department of Public Works, Utilities and Transportation.~~

~~The department of public works, utilities and transportation shall administer the construction and maintenance of the county road system and related facilities and shall be responsible for flood control, garbage disposal and other public works and utilities.~~

~~920.20.20 Department of Public Safety.~~

~~The department of public safety shall enforce law and order, shall administer the county jail and shall be responsible for civil defense.~~

~~920.20.30 Department of Public Health.~~

~~The department of public health shall administer all health programs under the control of the county including all medical services necessary to assist the department of public safety and shall perform autopsies.~~

~~920.20.40 Department of Records and Elections.~~

~~———— The department of records and elections: shall record, file and register all documents presented to it which by general law may be recorded, filed or registered to provide constructive legal notice and all other documents specified by ordinance; shall maintain the county archives to store all county records which should not be destroyed and which are not necessary for the current operation of county government; shall be responsible for the registration of voters in unincorporated areas of the county; and shall conduct all special and general elections held in the county.~~

~~920.20.50 Department of Finance.~~

~~The department of finance shall collect all county revenue, shall make all disbursements approved by the office of budgets and accounts and shall be responsible for investing county funds.~~

~~920.20.60 Department of Parks.~~

~~The department of parks shall operate and develop all county parks and other recreational facilities and programs and shall be responsible for public open space and other related public community services.~~

~~920.20.70 Department of Planning.~~

~~The department of planning shall prepare and present to the county council comprehensive plans for adoption by ordinance with or without amendments; shall advise all agencies of the county on planning; shall coordinate planning of the county with other governmental agencies; and shall assist the office of budgets and accounts in developing capital improvement programs and capital budgets.~~

~~The department of planning shall receive and consider all zoning applications. It shall make the initial decision concerning all applications for zoning variances and conditional use permits, and its decisions shall be final unless appealed to the board of appeals. It shall consider and make recommendations to the county council concerning all applications for rezoning or original zoning.~~

~~920.20.80 Department of Building.~~

~~The department of building shall be responsible for the issuance of building permits and shall ——— administer and enforce building codes, zoning ordinances, fire regulations and other codes and regulations ——— assigned to it.~~

920.30 Modification of Administrative Offices and Executive Departments.

For a period of two years after the effective date of this charter, the county council shall not abolish, combine or divide the administrative offices and the executive departments specified in this section and shall not transfer the specified powers and duties from one office or department to another; except that the county council may adopt an ordinance to combine the department of planning and the budget function of the office of budgets and accounts and to combine the departments of finance and the accounting function of the office of budgets and accounts.

Section 930 County Commissioners.

Unless he resigns or seeks nomination to the office of county executive or county assessor, a county commissioner elected at the general election in November 1966 or November 1968 shall be entitled to assume a position as a councilman on the county council established by this charter and shall represent the councilman district established by this charter in which he resides on September 1, 1968, in which case a special election for the first councilman for that district shall not be held.

Section 940 County Assessor.

Unless he resigns or seeks nomination to the office of county executive or councilman, the county assessor elected at the general election in 1966 shall be entitled to assume the position as the county assessor established by this charter in which case a special election for the first county assessor after the adoption of this charter shall not be held.

Section 950 Commencement and Terms of Office.

The terms of office of officers elected at the special election on March 11, 1969, and the county commissioners or assessor elected at the general elections in 1966 or 1968 who assume positions as councilmen or assessor in the offices established by this charter, shall commence on May 1, 1969. The terms of office of the county assessor and councilmen representing even numbered districts shall expire when their successors are elected at the general election 1971, have qualified and have commenced their terms of office. The terms of office of the county executive and councilmen representing odd numbered districts shall expire when their successors are elected at the general election in 1973, have qualified and have commenced their terms of office.

Section 960 Compensation.

The councilmen and county assessor who take office on the effective date of this charter shall receive during their first term of office under this charter the compensation specified by general law for county commissioners and county assessors, respectively. The county executive who takes office on the effective date of this charter shall receive during his first term of office under this charter one and one half times the compensation paid to a councilman. Thereafter all compensation shall be established by the county council by ordinance.

Section 970 The Personnel System.

970.10 Personnel Board Members

The original members of the personnel board shall be appointed and confirmed or elected by June 1, 1969[sic]. The appointed members shall be appointed for the following

terms: one for a five year term, one for a four year term, one for a three year term and one for a two year term; and the member elected by the members of the career service shall be elected for one year. Thereafter, any new appointment or election, except to fill out an unexpired term, shall be for a five year term

970.20 Effective Date

The county executive shall present to the county council a proposed ordinance containing a comprehensive set of personnel rules as soon as possible, and the effective date of the personnel system shall be no later than January 1, 1970. Prior to the effective date of the personnel system, each employee shall be appointed, promoted, suspended and removed by the officer in whose office he serves.

970.30 Elective County Officers.

Every elected county officer except a county commissioner whose office is abolished or made appointive by the adoption of this charter and who holds office on the effective date of this charter shall be continued in county employment at the rate of compensation specified by general law for the office which he held on the effective date of this charter until the date when the term of office to which he was elected would have expired but for the adoption of this charter; and, thereafter, he shall be entitled to be appointed at the same rate of compensation to an administrative position covered by the career service subject to all of the rules of the personnel system including rules concerning compulsory retirement but excluding the rules concerning initial appointment.

970.40 County Employees.

A non-elective county officer or employee employed by the county on the effective date of the personnel system shall be entitled to be appointed to a similar position covered by the career service for which he is qualified subject to all of the personnel rules including those concerning compulsory retirement but excluding the rules concerning initial appointments; provided, however, that a county employee who was employed by the county on June 1, 1968, and was involuntarily suspended, demoted or removed without just cause prior to the effective date of the personnel system shall have a preferential right to be appointed to a position covered by the career service similar to that in which he was employed on June 1, 1968. A non-elective county officer or employee employed in a position which is not covered by the career service on the effective date of the personnel system shall have the right to be appointed to a position which is covered by the career service which is as nearly comparable as possible to the position which he held on the effective date of the personnel system when he is removed from the position subject to all of the rules of the personnel system including rules concerning compulsory retirement but excluding the rules concerning initial appointment.

970.50 Sheriff's Civil Service System.

The sheriff's civil service system as provided by general law shall continue in full force and effect for a period of two years after the effective date of the personnel system. At the end of the two year period, the county council may by ordinance provide that the sheriff's civil service commission be terminated and that its duties be assumed by the personnel system established by this charter. In such an event, the personnel rules adopted by the county council shall not be applied so as to decrease or eliminate any of the rights, privileges and protections granted to the deputy sheriffs and other employees covered by the sheriff's civil service system except to the extent permitted by the state constitution and general law; and, if a personnel rule cannot be applied to the deputy sheriffs and

~~other employees covered by the sheriff's civil service system, the county council may adopt special rules which will apply only to the deputy sheriffs and other employees covered by the sheriff's civil service system.~~

Section 980 Board of Appeals.

~~The original members of the board of appeals shall be appointed and confirmed by June 1, 1969, and shall be appointed for the following terms: two for a four year term, two for a three year term, two for a two year term and one for a one year term. Thereafter, any new appointment, except to fill out an unexpired term, and any reappointment shall be for a four year term.~~

Section 990 Transition.

~~Except as provided by this article, the terms of office of elective county officers subject to this charter holding office on April 30, 1969, shall terminate on the effective date of this charter. All appointed officers and employees holding office on the effective date of this charter shall continue in the performance of their duties until their successors are appointed or until their duties are transferred, altered or abolished in accordance with the provisions of this charter. All boards and commissions whose functions have not been transferred by this charter to another agency of county government established by this charter shall continue to function for one hundred twenty days after the effective date of this charter, at the end of which time they are hereby abolished unless re-established or continued by ordinance. All ordinances, resolutions and other official actions of the board of county commissioners which are in effect on the May 1, 1969 effective date of this charter and which are not inconsistent with this charter shall continue in effect until they are amended, repealed or superseded in accordance with the provisions of this charter. All rights, claims, actions, orders, obligations, proceedings and contracts existing on the effective date of this charter shall not be affected by the adoption of this charter.~~

~~350.20.30 Metropolitan Services Department Transitory Provisions.~~

~~The metropolitan services department shall be independent of all other executive departments and administrative offices of county government. The metropolitan services department shall operate the metropolitan services in order to perform the metropolitan functions of public transportation and water pollution abatement performed by the Municipality of Metropolitan Seattle (METRO) prior to county assumption of METRO'S metropolitan functions, and shall perform all additional metropolitan functions hereafter authorized under authority of RCW 35.58. Upon county assumption of the rights, powers, functions and obligations of METRO, the metropolitan services department shall take jurisdiction of all the assets and property, real and personal, of METRO. The metropolitan services department shall initially have the same organizational and reporting structure as has METRO immediately prior to county assumption of METRO's functions. Notwithstanding any other provision of this charter, for a period of two years after January 1, 1994, the county council shall not abolish, combine, or divide the administrative divisions of the metropolitan services department, nor shall it transfer the personnel or powers or duties or property of that department from one division to another, either within the metropolitan services department or to another executive department or administrative office of county government. Thereafter, any organizational changes shall not adversely affect the provision of metropolitan function services.~~

Recommendation: Amend the charter by striking the sections indicated above.

Instructions for submitting charter recommendation to Council: Recommend to Council that it submit to King County voters in the November 2008 general election an initiative to amend the charter by striking Article 9 and Section 350.20.30, as indicated above.